



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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OCT 30 2007

Gary Taylor  
Bureau of Land Management Planning Coordinator  
U. S. Department of the Interior  
Jackson Field Office  
411 Briarwood Drive, Suite 404  
Jackson, Mississippi 39206

SUBJ: Alabama and Mississippi Draft Resource Management Plan and  
Environmental Impact Statement, August, 2007. CEQ No. 20070372

Dear Mr. Taylor:

EPA is providing comments to the Bureau of Land Management (BLM) on the subject draft environmental impact statement (EIS) and draft resource management plan (RMP). These comments are offered in accordance with EPA's responsibilities under Section 309 of the Clean Air Act, Section 102(2) of the National Environmental Policy Act (NEPA), and the Council on Environmental Quality's regulations for implementing NEPA. The draft EIS/RMP describes isolated tracts of federal land and BLM-administered minerals in Alabama and Mississippi, and address the future uses of these tracts and the proposed leasing of BLM-administered minerals. The RMP will establish the guidance, objectives, policies, and management actions for lands and minerals under the administration of the BLM which will affect 333 acres of public land, including mineral estate (i.e., mineral rights), and about 831,753 acres of BLM-administered minerals (largely oil, gas and coal).

BLM's responsibility includes lease issuance of 1,640, 621 acres of US Forest Service lands (USFS); however, statutory regulations require that USFS conduct its own leasing analysis and planning decisions on oil and gas leasing beneath USFS lands. Accordingly, decisions evolving from the subject EIS/RMP will apply to BLM-administered, non-USFS federal mineral ownership. The EIS/RPM will pertain only to BLM's role in managing minerals and controlling actions relating to mineral extraction. The document evaluates four alternatives, including a Preferred Alternative, comprising a suite of proposed conservation measures and Best Management Practices (BMP) to be included as lease stipulations designed to achieve BLM's management goals and minimize adverse impacts to cultural/natural resources. These are summarized in Appendix D. EPA supports BLM's Preferred Alternative, and offers the following comments on the proposed actions.

Page D-8, Appendix D: Proposed Conservation Measures and BMPs, “*Disposal of Produced Water*” – This Section prescribes disposal of mining/gas/oil water wastes by reinjection into a permeable formation, or alternatively, discharged into surface waters. EPA suggests that the discussion relating to waste water disposal be more robust, given that mining and production gas well wastes are inevitably generated from these operations and can have significant impacts to the environment. As national energy needs increase, hydrocarbon exploration in these regions will most likely continue. Reasonably foreseeable development scenarios (Appendix J) indicated that during the next 20 years, installation of oil and gas wells on federal lands is estimated to number 32 in Alabama, and up to 360 in Mississippi. The cumulative impact of brine waste reinjection into aquifers beneath federal and in adjacent non-federal lands over the next 20 years could be significant: by year 2027, the number of new wells on non-federal lands is estimated to be 4,020 in Alabama and 12,010 in Mississippi.

Basic information regarding State underground injection well control (UIC) programs should have been included in the draft EIS/RPM. UIC programs are direct implementation programs that are federally administered by EPA Regional Offices or primacy programs that are administered by State agencies which have been delegated primary enforcement authority. The UIC program may, in some instances, consist of a State-administered program applicable to some classes of injection wells, and a federally administered program applicable to other classes of wells. Federal regulations establish requirements for federally administered programs, and establish minimum requirements for State-administered programs. While EPA has oversight responsibility for delegated programs, UIC Programs in Alabama and Mississippi are primacy programs administered by one or more State agencies.

Alabama’s Department of Environmental Management (ADEM) prohibits injection of pollutants from Class I Wells below an Underground Source of Drinking Water (USDW); injection of wastes from oil and gas production (Class II Wells) is regulated by the Alabama State Oil & Gas Board; ADEM regulates Class III Wells involving solution mining of certain minerals, such as salt. Class IV Wells are banned nationally by federal regulations; all others (Class V Wells) comprise about 90 % of permitted injection wells in Alabama. EPA regulates all classes of injection wells on Tribal lands in Alabama. For surface water discharges into waters of the U. S., applicants would need State-issued National Pollution Discharge Elimination System (NPDES) permits, or federally-issued NPDES permits if the receiving waters were on Tribal lands.

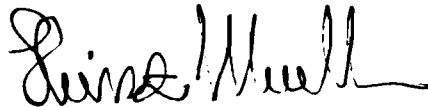
The UIC Program in Mississippi is implemented by the Mississippi Department of Environmental Quality (DEQ) and the Mississippi Oil & Gas Board. The Oil and Gas Board regulates Class II wells, and the DEQ Management Support Branch, regulates all other well classes. In addition to Class II injection wells, Mississippi has Class I hazardous waste injection wells, Class I non-hazardous injection wells, and Class V injection wells. EPA regulates all classes of injection wells on Tribal lands in Mississippi. For surface water discharges into waters of the U. S., applicants would need State-issued National Pollution Discharge Elimination System (NPDES) permits, or federally-issued NPDES permits if the receiving waters were on Tribal lands.

Page D-8: Section Disposal of Produced Water - The first paragraph, line 2: The text reads "...The preferred method for disposal of produced water will be disposed of through reinjection to a permeable formation of total dissolved solids (TDS) content higher than 10,000 mg/l\*..." This asterisk references an avian raptor electrocution study, an unlikely source for TDS values, and is probably a typographical error.

Page D-9: Section Disposal of Produced Water - The information in the reference *Avian Power Line Interaction Committee (APLIC). 1996.* may be out of date. This publication has been updated with *The Avian Power Line Interaction Committee (APLIC). 2006. Suggested Practices for Raptor Protection on Power Lines: State of the Art 2006. APLIC, Edison Electric Institute, and the California Energy Commission. Washington D.C. and Sacramento, CA.*

EPA supports BLM's suite of Preferred Alternatives. Because of the high number of new wells that are estimated to be drilled on federal and non-federal lands over the next 20 years, we suggest a more robust discussion of the Alabama and Mississippi underground injection well control programs. EPA rates this draft EIS as "EC-2", that is, we have environmental concerns and suggest that the final EIS provide additional information on State UIC programs. Thank you for the opportunity to comment on this action. John Hamilton (404) 562-9617 will serve as the initial point of contact for questions on this review.

Sincerely,

A handwritten signature in black ink, appearing to read "Heinz Mueller", with a stylized, flowing script.

Heinz J. Mueller, Chief  
Office of Environmental Assessment